



# Central California Environmental Justice Network

September 15, 2014

Mary Nichols  
Chair  
California Air Resources Board

Matthew Rodriguez  
Secretary  
California Environmental Protection Agency

To Chairwoman Nichols, and Secretary Rodriguez

## **RE: Support for Methodology 1 and a 20% Cut-off for Identifying Disadvantaged Communities, and Reconsideration of Density Requirements for Projects.**

On behalf of Central California Environmental Justice Network please accept these comments to the proposed methodology for identifying disadvantaged communities and forming project criteria as mandated by SB 535. CCEJN welcomes any request from Cal-EPA and/or California Air Resource Board to further collaborate on the implementation of this precedent setting law.

### **I. Support for Methodology 1 and a 20% Cut-off Point**

As a network of organizations promoting environmental justice in the San Joaquin Valley, we are extremely excited to have a tool that captures disproportionate environmental burdens and health outcomes in the state. Previously, CCEJN worked with the San Joaquin Valley Cumulative Health Impact Project (SVJ CHIP) to address and identify cumulative health impacts in the region. CCEJN also participated in ground-truthing the UC Davis Center for Regional Change mapping tool several years ago. The tool mapped areas in the San Joaquin Valley as Cumulative Environmental Vulnerability Action Zones (CEVAz). This push for state level data gathering has already proved beneficial for the agency and soon CalEnviroScreen 2.0 will help to identify disadvantaged communities under the law and thus set precedent for using this tool for legislative processes. This is a good thing for the State of California.

For decades communities across the rural San Joaquin Valley have been targeted with disproportionate sources of pollution that have made residents in this region suffer from poor health outcomes and low access to quality healthcare. Another byproduct of this phenomenon is that it has made the region ripe for low-wage industries to prosper. This has been the case for the oil production industry and agricultural industry. A large history exists of both of these industries polluting the air and water resources of this region while centralizing the labor force around low-income wages and consuming so many resources so as to actively discourage other 'more-progressive' industries from entering the valley.

Under AB 32, which establishes the Greenhouse Gas Reduction Fund (GGRF) these type of industries are the ones that continue to benefit, and the residents of this region continue to suffer. Environmental Justice organizations have critiqued AB 32 and Cap & Trade for the ongoing practice of trading reduction credits that most commonly affect the air quality in environmental justice communities, in this case the

San Joaquin Valley. It is encouraging that SB 535 seeks to revisit the GGRF and make it's allocations a little more just for ej communities.

As Cal-EPA presented potential methods for identifying disadvantaged communities, one method stands out as the best for doing so. Method 1 identifies "top scores (combined pollution burden and population characteristics." As suggested in the Methods document, there is extensive literature that solidifies the significance of this method. These include scientific literature, risk assessment principles, and established risk scoring systems.<sup>1</sup> When talking about overburdened populations it is difficult to divorce issues of pollution factors and vulnerability. Both factors are consistent with identifying disproportionate burden, and socio-economic factors are in fact trigger receptors to poor health outcomes when paired with sources of pollution. Central California Environmental Justice Network focuses on both factors equally as we work to empower environmental justice communities.

Furthermore, we would like to support a cut-off point of 20%. In essence, the purpose of the set-aside allocation for funding under SB 535 is to provide some restorative measures to those communities that have been traditionally underrepresented. An allocation of 25% of the funds for 25% of the state's population is hardly a restorative measure and blatantly, it is just fair. An allocation of 25% of funds for 20% of residents at least allows for a disruption (although small) of the 1:1 ratio in favor of disadvantaged communities that need it the most.

The cutoff point of 20% was a difficult one for us to suggest as it serves to leave out many of our partner communities in the Eastern Coachella Valley that face similar burdens and population characteristics as areas in the San Joaquin Valley. However, it is our understanding that lack of data is to blame for that, instead of a problem with the CES 2.0 methodology. It is our hope that as CES 2.0 improves in coming years, data gaps will be less significant and allow for our partner communities to qualify for restorative measures. In fact, as ARB learns through the implementation of this process it is important that we revisit the set-aside allocations in coming years and perhaps make the disadvantaged set-aside higher. CCEJN for example would like to see a 40% allocation to top 25% disadvantaged communities in the coming years.

## **II Reconsideration for Density Requirements for Projects**

Under Appendix 1 of the Interim Guidelines document CARB puts forth some recommendations for evaluating projects under two main criteria "Located Within" or "Provides Benefits To" disadvantaged communities.

### **a) 1-1—Low Carbon Transit Projects**

It is important to mention that the suggestions identified by CARB make little mention of density requirements, however, when looking at the types of projects that CARB will be suggesting for funding there is high priority placed on intercity rail or projects that have traditionally required really high density concentrations. These density requirements are not going to be beneficial for rural communities with low density and will further prevent a useful allocation of these projects in disadvantaged communities.

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<sup>1</sup> Cal EPA; OEHHA. Approaches to Identifying Disadvantaged Communities, pg 5. August 2014.

Furthermore, criteria F under the “Provides Benefits To” section states that “Project includes recruitment, agreements, policies or other approaches that result in at least 25% of project work hours performed by residents of a DAC.”<sup>2</sup> This allocation is very problematic and should be updated to suggest that at least 50% of project work hours are to be completed by residents of a DAC. It is not enough to give 25% of project work hours to low-income people, in fact this type of logic only perpetuates a cycle of low-wage employment. As mentioned in the initial comments of this document, disadvantaged communities are no strangers to ‘project specific’ work hours that leave residents scrambling from temporary employment to temporary employment. Within any given project all permanent positions should be given to residents of DACs. Other non-permanent work hours should be given to DAC residents in at least a 50% allocation and should provide transferable skills that could be used elsewhere once the employment is finished.

Central California Environmental Justice Network (CCEJN) is happy to provide these comments to the implementation of SB 535 and we welcome further inquiries from Cal EPA and CARB to participate in future guidance efforts. Thank you for your consideration.

With Respect,

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<sup>2</sup> California Air Resources Board. Guidance for SB 535 Implementation: Appendix 1: Criteria for Evaluating Benefits to Disadvantaged Communities by Project Type. 1-1.